

**AMENDMENTS TO THE DRAWINGS:**

The attached four sheets of drawings include changes to FIGS. 4, 7, 8A, 8B, 8D, and 10C. The leader line of reference sign 22 in FIG. 4 has been amended to point to the coil. The leader line of reference sign 141 in FIG. 7 has been corrected, and now ends at the side facing the second block. Reference sign 15 in FIG. 7 has been changed to 11. In FIGS. 8A and 8B, reference signs 19 and 23 have been interchanged. In FIG. 8D, reference signs 202, 204, and 206 have been removed. Reference sign 72 in FIG. 10C has been removed.

**REMARKS**

Claims 1-26 were presented for examination in the present application. The instant amendment cancels claims 11-12 and 24 without prejudice. Thus, claims 1-10, 13-23, and 25-26 are presented for consideration upon entry of the instant amendment. Claim 1 is independent.

Applicants wish to thank the Examiner for his close attention to detail in reviewing the present application. Accordingly, the specification and figures have been amended in the manner suggested by the Office Action. Entry of the amendments to the specification and drawings, as well as reconsideration and withdrawal of the objections to the same, are respectfully requested.

Claim 13 has been amended in the manner suggested by the Office Action. Claims 6 and 25 have been amended to obviate the rejections under 37 C.F.R. §112, second paragraph. It is submitted that these amendments merely make explicit what had been implicit in the claims. Reconsideration and withdrawal of the objections and rejections to the claims are respectfully requested.

Independent claim 1, as well as dependent claims 2-7, 9-10, 13, 15, 18, and 20-26, were rejected under 35 U.S.C. §102 over U.S. Patent No. 5,434,732 to Schwarz et al. (Schwarz). Dependent claims 8, 11-12, 14, 16-17, and 19 were rejected under 35 U.S.C. §103 over Schwarz.

Claim 1 has been amended to recite that the read-write head comprises two actuator elements and that the read-write element when viewed in a reading direction is located between both actuator devices and is perpendicularly offset to a plane through the actuator elements, so that an actuation of both actuator devices results in a readjustment of the distance between the read-write element and the data surface to accomplish a height fine adjustment, and whereby a different operation of said actuator devices results in a tilting or turning of the read-write element along an axis essentially parallel to the read-write direction.

Claims 2, 4-7, 10, 13-17 have been amended to conform to the amendments made to claim 1.

Applicants submit that the arrangement according to claim 1 is not disclosed or suggested by the cited art. Specifically, Applicants submit that the heads disclosed by Schwarz are set up to both tilt the head around an axis parallel to the surface of the data carrier and lift the head with the same two actuator devices. Specifically, the head according to Schwarz does not allow for a movement perpendicular to the tape. Rather, Applicants submit that movement in the perpendicular direction is inhibited by pin 34 and lead screw 36.

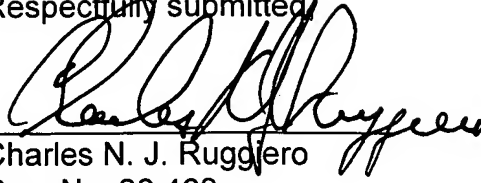
Accordingly, claim 1, as well as claims 2-10, 13-23, and 25-26 that depend therefrom, are in condition for allowance. Reconsideration and withdrawal of the rejections to claims 1-10, 13-23, and 25-26 are respectfully requested.

Applicants note the Office Action's taking of Official Notice of four separate items. In accordance with 37 C.F.R. § 1.104 (d)(2) and to preserve Applicants' argument on appeal, Applicants respectfully challenge the Office Action's assertion as to the officially noticed facts, and request the Examiner cite a reference to support the Office Action's position. Should the subsequent Office Action fail to supply such a reference, Applicants request withdrawal of the rejection based on the facts officially noticed by the Examiner.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles N. J. Ruggiero", written over a horizontal line.

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